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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,264	12/16/2004	Arnoldus Werner Johannes Oomen	NL 020539	6693

24737 7590 10/21/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
SU, SARAH	

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
10/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/518,264	OOMEN ET AL.	
	Examiner	Art Unit	
	Sarah Su	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11,14 and 15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11,14 and 15* is/are rejected.

7)☒ Claim(s) *2-11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 July 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Amendment A, received on 14 July 2008, has been entered into record. In this amendment, claims 1, 8, 11, 14, and 15 have been amended, and claims 2, 12-13 have been cancelled.

2. Claims 1, 3-11, and 14-15 are presented for examination.

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 15 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments with respect to the objections to claims 3-10 have been fully considered but they are not persuasive. Claims 3-10 recite “A method" which is unclear if it is the same as “A method” in claim 1, line 1. The examiner requests that claims 3-10 recite –The method– for clarity.

Claim Objections

5. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 recites a computer readable medium including a program that performs the method of claim 1, but does not further limit the method set forth in claim 1.

6. Claim 2-10 are objected to because of the following informalities:

a. In claims 2-10, line 1: "a method" is unclear if it relates to "a method" (claim 1, line 1).

Appropriate correction is required.

Drawings

7. The drawings were received on 14 July 2008. These drawings are acceptable.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 14 is drawn to an arrangement or compilation of data per se. The hash datum claimed is not a process, machine, manufacture, or composition of matter and thus is considered non-statutory subject matter. It is considered nonfunctional descriptive material and it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored on a computer-readable medium does not make it statutory.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1, 3-6, 8, 11, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iverson et al. (US Patent 5,852,664 and Iverson hereinafter) in view of Hampapur et al. (US 2001/0003468 A1 and Hampapur hereinafter).

As to claims 1, 11, 14, and 15, Iverson discloses a system and method for decoding access control for encoded multimedia signals, the system and method having:

receiving a bit-stream comprising a compressed multimedia signal (col. 4, lines 45-47, 49-52);

deriving a hash function from the parameters (col. 6, lines 56-64).

Iverson does not disclose:

selectively reading from the bit-stream predetermined parameters, wherein said predetermined parameters relate to perceptual information of the multimedia signal.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Iverson, as evidenced by Hampapur.

Hampapur discloses a system and method for detecting scene changes in a digital video stream, the system and method having:

selectively reading (i.e. extracting) **from the bit-stream predetermined parameters** (i.e. metadata)**, wherein said predetermined parameters relate to perceptual information** (i.e. visual representation) **of the multimedia signal** (0006, lines 6-8).

Given the teaching of Hampapur, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Iverson with the teachings of Hampapur by reading information that is related to perceptual data. Hampapur recites motivation by disclosing that automatically selecting representative data would reduce labor (0006, lines 4-6). It is obvious that the teachings of Hampapur would have improved the teachings of Iverson by reading information related to perceptual information in order to reduce labor.

As to claim 3, Iverson discloses:

> **where the multimedia signal comprises at least one of an audio signal, a video signal and an image signal** (col. 9, lines 26-31).

As to claim 4, Iverson discloses:

> **where the multimedia signal has been compressed using at least one of transform encoding, subband encoding and parametric encoding** (col. 6, lines 28-35).

As to claim 5, Iverson does not disclose:

> **where the predetermined parameters relate to at least one of the energies of frequency bands; the amplitudes of frequency bands; the**

tonality of frequency bands; the luminance of an area of a video signal; and the chrominance of an area of a video signal.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Iverson, as evidenced by Hampapur. Hampapur discloses:

where the predetermined parameters relate to at least one of the energies of frequency bands; the amplitudes of frequency bands; the tonality of frequency bands; the luminance of an area of a video signal; and the chrominance of an area of a video signal (0069, lines 3-7)**.**

Given the teaching of Hampapur, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Iverson with the teachings of Hampapur by using data related to the chrominance of an area. Hampapur recites motivation by disclosing that measuring chrominance distance can be used to determine the difference between frames (0069, lines 1-3). It is obvious that the teachings of Hampapur would have improved the teachings of Iverson by using data related to chrominance in order to determine the difference between data frames.

As to claim 6, Iverson discloses:

analysing the received bit-stream in order to determine the decoding scheme used to compress the multimedia signal (col. 6, lines 38-42).

As to claim 8, Iverson discloses:

reading the located predetermined parameters (col. 3, lines 27-29);

decoding the predetermined parameter using the decoder description (col. 7, lines 51-53).

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iverson in view of Hampapur as applied to claim 6 above, and further in view of Makiyama et al. (US Patent 6,687,409 B1 and Makiyama hereinafter).

As to claim 7, Iverson in view of Hampapur does not disclose:

wherein said analysing step comprises comparing the properties of the bit-stream with a database containing properties of a number of coding schemes.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Iverson in view of Hampapur, as evidenced by Makiyama.

Makiyama discloses a system and method for decoding using tool information for constructing a decoding algorithm, the system and method having:

wherein said analysing step comprises comparing the properties of the bit-stream with a database containing properties of a number of coding schemes (col. 2, lines 14-22; col. 4, lines 47-50; col. 12, lines 5-7).

Given the teaching of Makiyama, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Iverson in view of Hampapur with the teachings of Makiyama

by comparing data with coding schemes in a database. Makiyama recites motivation by disclosing that being able to select the coding scheme based on input data allows performing a coding process in conformity with the determined coding scheme (col. 12, lines 8-11). It is obvious that the teachings of Makiyama would have improved the teachings of Iverson in view of Hampapur by comparing input data with coding scheme data in a database in order to allow selection of an appropriate coding scheme.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iverson in view of Hampapur as applied to claim 1 above, and further in view of Krapp et al. (US 2002/0169934 A1 and Krapp hereinafter).

As to claim 9, Iverson in view of Hampapur does not disclose:

> **where the predetermined parameters relate to a first set of frequency bands and wherein the step of deriving the hash function comprises deriving estimates of values of spectral information present in a second set of frequency bands from the predetermined parameters, the hash function subsequently being calculated from the estimated value.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Iverson in view of Hampapur, as evidenced by Krapp.

Krapp discloses a system and method for eliminating data redundancies, the system and method having:

where the predetermined parameters relate to a first set of frequency bands and wherein the step of deriving the hash function comprises deriving estimates of values of spectral information present in a second set of frequency bands from the predetermined parameters, the hash function subsequently being calculated from the estimated value (0064, lines 4-14)**.**

Given the teaching of Krapp, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Iverson in view of Hampapur with the teachings of Krapp by calculating a hash function based on spectral information. Krapp recites motivation by disclosing that any suitable data block identifier can be calculated in order to ensure accuracy of transmitted data (0063, lines 1-5; 0064, lines 1-2). It is obvious that the teachings of Krapp would have improved the teachings of Iverson in view of Hampapur by calculating a hash based on spectral information in order to ensure the accuracy of transmitted data.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iverson in view of Hampapur as applied to claim 1 above, and further in view of Levine (US Patent 6,266,644 B1).

As to claim 10, Iverson in view of Hampapur does not disclose:

where the multimedia signal is compressed using a parametric encoding scheme and where the predetermined parameters relate to at

least one of the sinusoidal components, the noise components and the transient components utilised within the parametric scheme.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Iverson in view of Hampapur, as evidenced by Levine.

Levine discloses a system and method for audio encoding, the system and method having:

where the multimedia signal is compressed using a parametric encoding scheme and where the predetermined parameters relate to at least one of the sinusoidal components, the noise components and the transient components utilised within the parametric scheme (col. 1, lines 11-20; col. 2, lines 15-16, 29-31)**.**

Given the teaching of Levine, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Iverson in view of Hampapur with the teachings of Levine by compressing a signal according to an encoding scheme based on sinusoidal components. Levine recites motivation by disclosing that minimizing the amount of encoded data preserves available storage, throughput, and bandwidth for other uses (col. 1, lines 30-32). It is obvious that the teachings of Levine would have improved the teachings of Iverson in view of Hampapur by compressing a signal according to an encoding scheme in order to preserve resources.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Su whose telephone number is (571) 270-3835. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah Su/
Examiner, Art Unit 2431

/Christopher A. Revak/
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